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6 *Representing the United States of America*

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 United States of America,

11 Plaintiff,

12 v.

13 Allen D. Nye,

14 Defendant.

Case No. 2:05-cr-00209-JCM-GWF

15 **MOTION TO REDUCE TERM OF IMPRISONMENT TO TIME SERVED**

16 **COMES NOW** the United States of America, by the Director of the Federal Bureau of
17 Prisons, and through the undersigned Assistant United States Attorney, and respectfully moves
18 the Court, pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), to modify the defendant's term of
19 imprisonment to time served. In support hereof, the United States and the Director of the Bureau
20 of Prisons (BOP) state as follows:

21 1. Mr. Nye pleaded guilty to 18 U.S.C. § 922(g)(1), Felon in Possession of a
22 Firearm.
23
24

1 2. On September 17, 2007, the Honorable James C. Mahon of the District of Nevada
2 sentenced Mr. Nye to a 180-month term of imprisonment and a 60-month term of supervised
3 release. His projected Good Conduct Time release date is May 18, 2019.

4 3. Mr. Nye, age 55, is diagnosed with Child-Turcotte-Pugh (CTP) Class C end stage
5 liver disease. His condition is terminal and deteriorating, and his life expectancy is 18 months
6 or less.

7 4. If the motion is granted, Mr. Nye will reside with his brother in Las Vegas,
8 Nevada.

9 **WHEREFORE**, it is respectfully requested that the Court reduce the term of
10 imprisonment to the time the defendant has now served. Pursuant to 18 U.S.C. 3582(c)(1)(A)(i),
11 the Court, upon motion of the Director of the Bureau of Prisons, may modify a term of
12 imprisonment upon the finding that “extraordinary and compelling reasons” exist to warrant a
13 reduction. The defendant’s terminal medical condition and limited life expectancy constitute
14 “extraordinary and compelling reasons” warranting the requested reduction. The defendant
15 would not, however, be subject to complete release, as he would begin serving the 60-month term
16 of supervised release previously imposed by the Court.

17 This the 31st day of May, 2018.

18
19 Respectfully submitted,
20 DAYLE ELIESON
 United States Attorney

21 /S/ CRISTINA SILVA
22 Assistant United States Attorney
23 501 Las Vegas Boulevard South
 Suite 1100
24 Las Vegas, NV 89101

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 United States of America,

4 Plaintiff,

5 v.

6 Allen D. Nye,

7 Defendant.

Case No. 2:05-cr-00209-JCM-GWF

8
9 **ORDER TO REDUCE TERM OF IMPRISONMENT TO TIME SERVED**

10 **BEFORE THE COURT** is a motion by the United States of America and the Director
11 of the Federal Bureau of Prisons, pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), seeking a
12 modification of the term of imprisonment of defendant, Allen D. Nye, to time served, and
13 commencement of supervised release previously imposed. The Court finds:

14 1. Mr. Nye pleaded guilty to 18 U.S.C. § 922(g)(1), Felon in Possession of a
15 Firearm.

16 2. On September 17, 2007, the Honorable James C. Mahon of the District of Nevada
17 sentenced Mr. Nye to a 180-month term of imprisonment and a 60-month term of supervised
18 release. His projected Good Conduct Time release date is May 18, 2019.

19 3. Mr. Nye, age 55, is diagnosed with Child-Turcotte-Pugh (CTP) Class C end stage
20 liver disease. His condition is terminal and deteriorating, and his life expectancy is 18 months
21 or less.

22 4. Title 18 U.S.C. § 3582(c)(1)(A)(i) authorizes the Court, upon motion of the
23 Director of the Bureau of Prisons, to modify a term of imprisonment upon finding that
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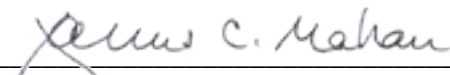
1 extraordinary and compelling reasons warrant the reduction. The Director of the Bureau of
2 Prisons contends, and this Court agrees, that the defendant's terminal medical condition and
3 limited life expectancy constitute extraordinary and compelling reasons that warrant the
4 requested reduction.

5 **IT IS THEREFORE ORDERED** that the defendant's term of imprisonment is hereby
6 reduced to the time he has already served.

7 **IT IS FURTHER ORDERED** that the defendant shall be released from the custody of
8 the Bureau of Prisons as soon as the release plan is implemented, and travel arrangements can
9 be made.

10 **IT IS FURTHER ORDERED** that upon his release from the custody of the Bureau of
11 Prisons, the defendant shall begin serving the 60-month term of supervised release previously
12 imposed.

13 DATED June 4, 2018.

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16 UNITED STATES DISTRICT JUDGE